

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LESTER BAIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:03-cv-397-JLF
)	
FRANK WALKER, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court because the Court has been informed that Defendants Bill Hill, Frank Walker, Bob Ruddick, and Fred Dedman are deceased. Waivers of service have been returned un-executed with respect to Bill Hill, Frank Walker, and Bob Ruddick (Doc. 39, 40, and 41). Each of these waivers indicate that the Jefferson County Sheriff's Department has represented that these men are deceased. Additionally, attorney Jerome E. McDonald, of the law firm Cambell, Black, Carnine, Hedin, Ballard & McDonald in Mt. Vernon, Illinois, who represents the City of Mt. Vernon, has indicated to the Court, and to the Plaintiff, that Fred Dedman also is deceased.¹

Therefore, pursuant to Federal Rule of Civil Procedure 25(a) and in light of this suggestion of death upon the record, the Plaintiff (or the Defendants) must file a motion for substitution if he believes that his claims against these four men survive their death. Such a

¹ The record reflects that a waiver of service was returned executed with respect to Fred Dedman (Doc. 42). However, the waiver was signed by Steven K. Draege. Mr. Draege has not otherwise filed any documents with the Court. It is not clear who Mr. Draege is, how he is related to Fred Dedman, or why he signed a waiver directed to Fred Dedman.

motion must be filed by **July 12, 2006**.² As provided by Rule 25(a), if a motion to substitute is not filed, this Court will recommend to the District Court that the claims against Bill Hill, Frank Walker, Bob Ruddick, and Fred Dedman be dismissed.

DATED: April 13, 2006.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge

² If the Plaintiff files such a motion, he must indicate who the substituted party is and he must provide sufficient mailing information for the service of process.